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APPLICATION NO. 08/091,382	FILING DATE 07/10/97	FIRST NAMED INVENTOR PETROVICH	ATTORNEY DOCKET NO. E 97031201
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EXAMINER
BAREFOOT, G

ART UNIT
3641

PAPER NUMBER

DATE MAILED: 08/07/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/891,302

Applicant(s)
Enrique Petrovich

Examiner
Galen Barefoot

Group Art Unit
3641



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 25 is/are allowed.

☒ Claim(s) 1, 2, 4, 13, and 16-22 is/are rejected.

☒ Claim(s) 3, 5-12, 14, 15, 23, and 24 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3641

DETAILED ACTION

Drawings

1. The drawings have been approved.
- 2.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2,4,18,20,22 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Peterson. Peterson shows an aircraft where the wings are mounted on a slider 12 to which the wings pivot controlled by a control bar 10 that has two ends all of which is mounted in the frame of the aircraft which is a "keel" to which the tail is attached. Everything has plural axes, the claim only sets forth structure for pivoting in one direction.
5. Claims 3, 5-12,14-15,23-24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6.

Claim Rejections - 35 USC § 103

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

8. Claims 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of Williams et al .

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the aircraft of Peterson with a pivoted tail as taught by Williams et al since it will enhance the control of the aircraft.

9. Claims 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of Saholt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the aircraft of Peterson with a bungee launch as taught by Saholt since it will enhance the takeoff ability of the craft. It is well known to store hardware after its use and the language of claim 17 would read on rolling the launch rope of Saholt on a reel on a storing it the craft.

Art Unit: 3641

10. Claims 19 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use other conventional propulsion means such as propellers or ducted fans as these are equivalent well known propulsion units.

11. Claim 25 is allowed.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Galen Barefoot whose telephone number is (703) 308-2567.

August 3, 1998



Galen Barefoot
Primary Examiner
Technology Center 3641